

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA,)	
)	
v.)	Cr. No. 3:15CR77
)	
NASSAU LUCAS,)	
)	
Defendant.)	

GOVERNMENT’S SENTENCING POSITION

COMES NOW, the United States of America, and states that it has no objection to the Presentence Report. A review of the sentencing factors set forth in 18 U.S.C. § 3553, clearly establishes that a custodial sentence at the high end of the Guideline Range of 140 to 175 months is more than justified to punish the defendant and protect the community from his future crimes. The crucial factors are: (1) this 26-year old defendant’s two serious current firearm offenses; (2) his lengthy criminal history, including drug trafficking, a firearms offense, an assault on a law enforcement officer, and numerous violations of probation, that justifiably place him in a Criminal History Category VI; and (3) his commission of the current offenses while under a period of court supervision.

Offense and Offender Analysis - 18 U.S.C. § 3553(a)(1)

Offenses. The offenses of possessing firearms by a convicted felon are very serious offenses. This seriousness is further aggravated by the high capacity nature

of the firearms and the fact that Lucas was just selling them to the highest bidder for what he thought was to be resale in New York. He had no thought or concern about who was ultimately receiving the firearms or how these deadly firearms were going to be used in relation to others.

Offender Characteristics. Lucas's prior criminal record in the last six years is horrendous. It includes: two prior drug distribution type of convictions; three drug possession convictions; a prior firearm offense; an assault on a law enforcement officer; numerous violations of probation; and the commission of the instant offenses while under a ten year period of good behaviour for the February 8, 2012 conviction for possession of marijuana with intent to distribute. All of these justifiably place him in a Criminal History Category VI and signify what a danger he presents to the public.

Sentencing Needs Analysis - § 3553(a)(2)

The sentence imposed must also (1) reflect the seriousness of the offense, (2) promote respect for the law, (3) provide a just punishment for the offense, (4) afford adequate deterrence, and (5) protect the public from future crimes by the defendant. § 3553 (a)(2).

It is submitted that all of these needs, especially punishing him and protecting the public from his future crimes, strongly militate in favor of a custodial sentence of 175 months.

Conclusion

The Court should sentence the defendant to 175 months in prison.

Respectfully submitted,

DANA J. BOENTE
UNITED STATES ATTORNEY

By: ____/s/_____
David T. Maguire
V.S.B. No. 23229
Assistant United States Attorney
Office of the United States Attorney
600 E. Main Street, Suite 1800
Richmond, Virginia 23219
(804) 819-5400
(804) 771-2316 (facsimile)
David.maguire@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2016, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of electronic filing (NEF) to Vaughan C. Jones, Counsel for the defendant.

By: ____/s/_____
David T. Maguire
Assistant United States Attorney